

## UNITED STATES DISTRICT COURT

for the  
District of ArizonaSharline Krause, et al.*Plaintiff*

v.

Mohave County, Arizona, et al.*Defendant*

Civil Action No. 3:17-cv-08185-JJT

## WAIVER OF THE SERVICE OF SUMMONS

To: Georgia Staton, Jones, Skelton & Hochuli, P.L.C.*(Name of the plaintiff's attorney or unrepresented plaintiff)*

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

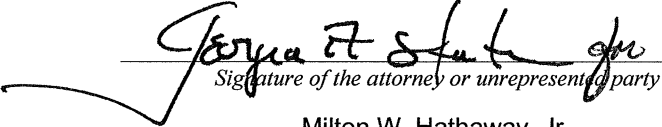
I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 09/15/2017, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: 9/15/17

Georgia A. Staton  
*Printed name of party waiving service of summons*

  
*Signature of the attorney or unrepresented party*

Milton W. Hathaway, Jr.*Printed name*325 W. Gurley Street, Suite 102P.O. Box 591Prescott, Arizona 86302*Address*info@mshwlaw.com*E-mail address*(928) 445-6860*Telephone number*

## Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

1 Milton W. Hathaway, Jr., Esq.

AZ State Bar No. 005442

2 **MURPHY, SCHMITT, HATHAWAY & WILSON, P.L.L.C.**

Attorneys at Law

3 325 W. Gurley Street, Suite 102

Post Office Box 591

4 Prescott, Arizona 86302-0591

(928) 445-6860

5 [info@mshwlaw.com](mailto:info@mshwlaw.com)

6 Attorneys for Plaintiffs

7 **IN THE UNITED STATES DISTRICT COURT**

8 **FOR THE DISTRICT OF ARIZONA**

9 SHARLINE KRAUSE, individually, and on )

behalf of all statutory beneficiaries of DREY ) Case No.

10 KRAUSE, )

11 Plaintiff, )

**COMPLAINT**

12 vs. )

*(Jury Trial Requested)*

13 MOHAVE COUNTY, ARIZONA; JORDAN )

T. SELMANSON; ASHLEY N. )

14 SELMANSON; RICHARD SCHILLER; )

KATHLEEN SCHILLER, )

15 Defendants. )

18 Plaintiff, for her claims against Defendants, alleges as follows:

19 **PARTIES**

20 1. Plaintiff, Sharline Krause, is the mother of Drey Krause, deceased, and brings this  
21 matter individually and on behalf of the statutory beneficiaries of Drey Krause.

22 2. The statutory beneficiaries that Plaintiff, Sharline Krause, is aware of at this time

MURPHY, SCHMITT, HATHAWAY & WILSON, P.L.L.C.

ATTORNEYS AT LAW

Post Office Box 591

Prescott, Arizona 86302-0591

(928) 445-6860

1 include herself, Drey Krause's mother; Lisa Krause, Drey Krause's wife; Alisha Krause, Drey  
2 Krause's daughter; and Ryan Adelman, Drey Krause's son.

3 3. Defendant, Mohave County, is a public entity located within the state of Arizona  
4 and is responsible for and liable for the acts of the Mohave County Sheriff's Office.

5 4. Defendants Jordan T. Selmanson and Ashley N. Selmanson are husband and wife  
6 and are residents of Mohave County, Arizona. All of the acts of Defendant Jordan T. Selmanson  
7 complained of herein were acts for and on behalf of the marital community of Defendants Jordan  
8 T. Selmanson and Ashley N. Selmanson.

9 5. Defendants Richard Schiller and Kathleen Schiller are husband and wife and are  
10 residents of Mohave County, Arizona. All of the acts of Defendant Richard Schiller complained  
11 of herein were acts for and on behalf of the marital community of Defendants Richard Schiller  
12 and Kathleen Schiller.

13 6. Defendants Jordan T. Selmanson and Richard Schiller were, at all relevant times,  
14 employed by Mohave County and were acting within the course and scope of their employment  
15 as deputies of the Mohave County Sheriff's Office.

16 7. Defendants Jordan T. Selmanson and Richard Schiller at all times material hereto  
17 were acting under color of law.

18 8. Defendant, Mohave County, as the employer of Defendants Jordan T. Selmanson  
19 and Ricahrd Schiller is vicariously liable for the acts or omissions of those Defendants, under the  
20 theory or *respondeat superior* with respect to the state law claims alleged herein.

21 ///

22 ///

MURPHY, SCHMITT, HATHAWAY & WILSON, P.L.L.C.  
ATTORNEYS AT LAW  
Post Office Box 591  
Prescott, Arizona 86302-0591  
(928) 445-6860

**JURISDICTION AND VENUE**

9. This action is brought, in part, pursuant to 42 U.S.C. §1983 and the Fourth and Fourteenth Amendments to the United States Constitution.

10. This Court has jurisdiction of this action pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1343.

11. This Court has supplemental jurisdiction of Plaintiff's state law claims pursuant to 28 U.S.C. §1367(a).

12. The events that form the basis of Plaintiff's Complaint occurred in Mohave County, Arizona. Since all Defendants currently reside or work, or resided or worked at relevant time within the state of Arizona, venue is proper in this Court pursuant to 28 U.S.C. §1391(b).

13. Plaintiff has complied with A.R.S. §12-821.01 with respect to the state law claims and her notice of claim with respect to the state law claims has been denied by Defendants.

**FACTUAL BACKGROUND**

14. On February 13, 2017, the Mohave County Sheriff's Office received a call at or about 6:48 p.m. reporting the discharge of a weapon in Topock, Arizona, by a man "acting strangely."

15. Two Mohave County Sheriff's Office Deputies, Defendant Jordan T. Selmanson and Defendant Richard Schiller, responded to the scene of the reported shooting. Deputy Schiller traveled directly to the residence where the shooting suspect was reported to live.

16. The residence Deputy Schiller traveled to was occupied by Plaintiff Sharline Krause and her son, decedent, Drey Krause.

///

MURPHY, SCHMITT, HATHAWAY & WILSON, P.L.L.C.  
ATTORNEYS AT LAW  
Post Office Box 591  
Prescott, Arizona 86302-0591  
(928) 445-6860

MURPHY, SCHMITT, HATHAWAY & WILSON, P.L.L.C.

ATTORNEYS AT LAW

Post Office Box 591  
Prescott, Arizona 86302-0591  
(928) 445-6860

1           17. Deputy Selmanson stopped to talk with the reported victim, Shanna Farris, before  
2 traveling to the Krause residence to join Deputy Schiller.

3           18. Deputies Selmanson and Schiller parked their vehicles on the street and both turned  
4 off their vehicle lights.

5           19. Both Deputies Selmanson and Schiller approached the Krause residence.

6           20. Deputy Selmanson went to the exit door of the Krause residence.

7           21. Deputy Schiller went to the rear of the Krause residence.

8           22. Deputy Schiller observed medication inside the residence.

9           23. Deputy Selmanson knocked on the door of the Krause residence and then claims  
10 that he knocked a second time.

11           24. Deputy Selmanson claims that he announced "Sheriff's Office" and a porch light  
12 came on.

13           25. Deputy Schiller was walking towards Deputy Selmanson to advise him of the  
14 medication he saw inside the residence when the porch light came on.

15           26. The door to the residence was opened and Drey Krause began to exit the residence  
16 with a .410 shotgun in his hand.

17           27. Deputy Selmanson reportedly yelled for Drey Krause to put the gun down.

18           28. Drey Krause never said a word.

19           29. Deputy Selmanson then shot Drey Krause multiple times.

20           30. After being shot, Drey Krause asked Deputy Selmanson, "Why did you shoot me?"  
21 and Deputy Schiller responded to Drey Krause that he was shot because he would not put down  
22 his gun.

1 31. After shooting Drey Krause, Deputy Selmanson left him, without providing medical  
2 assistance, to call a supervisor.

3 32. Neither Deputy Selmanson nor Deputy Sciller ever provided medical assistance to  
4 Drey Krause and, instead, Drey Krause was handcuffed as he lay dying in the carport of his  
5 residence.

6 33. Drey Krause was pronounced dead approximately forty-five minutes after being  
7 shot by Deputy Selmanson.

8 34. After Drey Krause was shot, Deputy Schiller entered the residence and encountered  
9 Plaintiff, Sharline Krause. He noted that a television inside the residence was turned up very loud.

10 35. Defendant, Mohave County, hired Deputy Selmanson less than two years before  
11 Drey Krause's death despite the fact that his pre-employment screening documentation indicated  
12 his view that some people need to be shot.

13 36. Mohave County allowed Deputies Selmanson and Schiller to carry a firearm and  
14 interact with the public without any training on how to deal with intoxicated people, how to avoid  
15 confrontations where lethal force may be necessary and/or how to de-escalate tense situations.

16 **COUNT I - 42 U.S.C. §1983**  
17 **VIOLATION OF PLAINTIFF'S SUBSTANTIVE DUE PROCESS RIGHTS -**  
18 **EXCESSIVE FORCE**

19 37. Plaintiff incorporates each and every allegation set forth above as if fully set forth  
20 herein.

21 38. The Fourteenth Amendment to the United States Constitution guarantees parents  
22 of an adult child a substantive due process liberty interest in the companionship of that child.

22 ///

MURPHY, SCHMITT, HATHAWAY & WILSON, P.L.L.C.  
ATTORNEYS AT LAW  
Post Office Box 591  
Prescott, Arizona 86302-0591  
(928) 445-6860

39. Deputies Selmanson and Schiller violated the substantive due process rights of Plaintiff, individually, when Drey Krause was shot and killed.

**COUNT II - 42 U.S.C. §1983 -**  
**FAILURE TO TRAIN**

44. Mohave County has the authority and responsibility to establish policy for the Mohave County Sheriff's Office and its deputies and to properly supervise and train those deputies.



1 to injury and/or death. The failure of Defendant, Mohave County, to properly supervise and train  
2 Deputy Selmanson was a direct and proximate result of Drey Krause's death.

3 **COUNT III - WRONGFUL DEATH**

4 47. Plaintiff incorporates each and every allegation set forth above as if fully set forth  
5 herein.

6 48. This claim for relief is asserted against Defendants by Plaintiff, Sharline Krause,  
7 individually and on behalf of all statutory beneficiaries of Drey Krause.

8 49. Pursuant to §12-611, et seq., liability for wrongful death exists if a persons death  
9 is caused by "wrongful act, neglect, or default." In this matter, Defendants' "wrongful act,  
10 neglect, or default" includes negligence or gross negligence as alleged in this Complaint.

11 50. As a result of the death of Drey Krause, caused by Defendants, Plaintiff, Sharline  
12 Krause, and the statutory beneficiaries of Drey Krause suffered loss of love, affection, and  
13 companionship for which they are entitled to recover under Arizona's Wrongful Death Act.

14 51. As a result of Defendants' wrongful acts, Plaintiff, Sharline Krause, and the  
15 statutory beneficiaries of Drey Krause have suffered pain, grief, sorrow, anguish, shock, and  
16 mental suffering in the past, present, and future, all proximately caused by Defendants, for which  
17 they are entitled to recover under Arizona's Wrongful Death Act.

18 52. The actions of Deputies Selmanson and Schiller were negligent and grossly  
19 negligent and those actions include, but are not limited to:

- 20 a. Failure to call a supervisor to the scene before Drey Krause was shot and  
21 killed.

22 ///



- 1 b. Failure to use means other than a face-to-face confrontation with Drey  
2 Krause while investigating the shooting incident.
- 3 c. Failure to call for medical providers before contact with Drey Krause.
- 4 d. Failure to call out Drey Krause from the residence from a distance.
- 5 e. Failure to render medical assistance after Drey Krause was shot.

6 53. A trial by jury is demanded.

7 WHEREFORE, Plaintiff requests judgment against Defendants as follows:

- 8 a. For special damages, including, but not limited to the cost of care for  
9 Plaintiff as a result of the death of her son, her caregiver;
- 10 b. For other general damages to the surviving statutory beneficiaries for the  
11 wrongful death of Drey Krause;
- 12 c. For consequential and emotional damage to the surviving statutory  
13 beneficiaries;
- 14 d. For exemplary damages to the extent permitted by law;
- 15 e. For taxable costs and pre-judgment and post-judgment interest to the extent  
16 permitted by law;
- 17 f. For attorneys' fees pursuant to 42 U.S.C. §1988;
- 18 g. For such other and further relief as the Court deems just and proper.

19 RESPECTFULLY SUBMITTED this 13th day of September, 2017.

20 MURPHY, SCHMITT, HATHAWAY & WILSON, P.L.L.C.

21 By: s/Milton W. Hathaway, Jr.  
22 Milton W. Hathaway, Jr., Esq.  
Attorneys for Plaintiffs

MURPHY, SCHMITT, HATHAWAY & WILSON, P.L.L.C.  
ATTORNEYS AT LAW  
Post Office Box 591  
Prescott, Arizona 86302-0591  
(928) 445-6860